ATLANTA, GA., Nov. 7 .- This week cheap

M'VEAGH EXPOSED

BY DISTRICT-ATTORNEY CORKHILL.

Why the Star-Route Cases Were Not Brought Before the Grand Jury-MacVeagh's Falsehoods Circulated by the Press-The Alleged Cabinet Scene.

Yesterday, on the opening of the Crim-inal Court (Judge Cox), and before the arguments in the star-route case were resumed, District-At-

In the star-route case were resumed, District-Attorney Corkhill asked to make a personal explanation, and spoke as follows:

May it please the Court: I should not on this occasion interript the present discussion and ask the indulgence of the Court and of counsel for the purpose of making a brief statement of a personal character, were it not that I feel it a duty I owe myself, and that no occasion has presented heretofore, and may not again, so appropriate and opportune for what I am about to say. I have never found it necessary to answer any, criticism upon my official conduct, for I have rested secure in the undisturbed confidence that no man, however high his official position or however humble may be his station in life, could point to a single official act of mine that merits censure, or can truthfully say that I have ever falled or neglected to perform faithfully and conacientiously, to the best of my ability, any official duty, and I take this occasion to say that the public business connected with the office I hold has not within the last ten years been in as good a condition as it is to-day; that during the two years I have held this office no jury has failed to agree upon a conviction.

IN ANY IMPORTANT CASE

and no guilty person has escaped the punishment
for his crime. I make this statement here because
I am largely indered for this success to the
ability and faithfuiness of the gentlemen associated with me in the discharge of my official
duties, and who must of necessity be slient. I
need not say to Your Honor that when a great
criminal case aitracts the attention of the country,
when the action of every one confrected with it is
known by the entire reading public of the United
Bates; when every fact is daily published, not
as an item for the professional reader, but as
a matter of nows of interests the general public,
it is only necessary to light a spark of suspicion,
find malignant ignorance and sometimes honest
doubtsoon fan if into a fiame of real distrust.
Your Honor may have noticed—as I am certain the
gentlemen connected with the case have—that I
have been time and again publicly charged with a
yant of interest in the prosecution of the cases now
for the first time presented to the Court, and that
in addition I have been relax, neglectful, and inaltentive to my duty in reference to them. I
should probably have IN ANY IMPORTANT CASE

attentive to my duty in reference to them. I should probably have

LET THIS PASS.

without notice, leaving my vindication, if any ware necessary, to the Court, whose officer I am, and the people of the District, whom I represent. But on last Saturday I noticed in the Evening Stay what purports to be an authentic account of a meeting of the Cabinet called by the President to consult with regard to the trial of the assessin of Fresident Garaied. The Autorney-General, Mr. MadVeagh, is represented as asying that he took a different view of his duty from that expressed by the President, and that he "did not consider him-left bound to take any part in the trial of Guitean of to procure additional counsel for that purpose; that in the star-route cases. Colonel Corkhill had algested a desire for the employment of Mr. William A. Cook as additional "Chusel, and he had said he had nothing to do with it, and Colonel Corkhill could do as he pleased in the matter."

For the purpose of what I desire to say, it is entirely immaterial.

For the purpose of what I desire to say, it is entirely immaterial

WHETHER ME. M'VEAGH

ever made this statement or not. It was telegraphed all over the country, and will this morning he read in almost every city, village, and hamlef in the United States, and it will be taken as
true, and this alleged statement of the AttorneyGeneral will be regarded as scurate concerning
my relation to these cases. In view of these facts,
I take this occasion, in the presence of Your
Honor and of Colonel Cook, the counsel for the
Government, publicly to state that on the lat day
of June, 1881, now over five months ago, Mr. MacVeagh sent for me and informed me that certain
livestigations were in progress in the Fost-Office
Department concerning certain alleged frauds in
what was known as the "star-route contracts," and
that those persons engaged in the investigation
desired the employment of Colonel William A.
Cook to assist them, and that he thought it proper
to notify me of Colonel Cook's appointment. I
had a long conversation with him on the subject,
in which I told him the employment of Colonel
Cook was satisfactory

AND AGRERABLE TO ME,
but that I desired at the very opening of the investigation that my position be thoroughly and
plainly defined; that I was ready and willing to
perform any service desired, but that the delay in
the appointment of a marshal had placed on me
all the business I could attend to at once; that
Colonel Cook was unquestionably competent to
have full and exclusive charge of these cases. To
this the Attorney-General not only assented, but
told me it was the view of the case he had already
taken, and that no officer situated as I was then
could give the necessary time demanded by this
investigation. To put myself upon the record so
that there could be no question in the future, I
asked him to allow me to make my statement in
writing, which I did, and my letter was published
at the time, but seems just now to be overlooked.
In that letter I asked the

In that letter I asked the
APPOINTMENT OF SPECIAL COUNSEL,
who should have the management and control of
these cases and prepare any indictments that
might be found. Colonel Cook, who had been engaged in the examination before, was formally
appointed. He has never regarded himself as my
assistant, as is ordinarily the case in such employments, but claims—and properly, under the efrcumstances—to be a special assistant attorney of
the United States charged with these special prosecutions, and he so appears officially in the information now before the Court. Such being the
facts, I have not been, or was it understood
I should be, consulted concerning the
prosecution, and consequently I know
nothing of them except what is known to the public. I have heard no evidence, have seen no witness, nor has any attorney consulted me concerning them. Colonel Cook's consultations have
been with the Attorney-General, whose assistant
he properly claims to be. I think Colonel Cook
will corroborate me in this statement, from which
it will be seen I could not in the remotest manner
know anything of these cases, or be in the slightest
degree responsible for them in any way whatever.
Another point following immediately upon this is
the allegation that the present proceeding by information now before the Court was made necessary by the adjournment by me of the grand jury
from the 19th of September to the 3d of October,
and I have

and I have

REEN CHARGED BY THE PRES

and the public as responsible for the adoption of this method. This case, it seems, involves frauds committed on a route from Prescott to Santa Fe. New Mexico, in which it is said the statute of limitations would bar the presecution on October 1, or within ten days of the time the grand jury adjourned. Your Honor will recollect that on the 18th day, I think, of July last the same counsel that are here to day for the defense came into court with the remarkable motion to compel the Government to present their case to the grand jury. On that occasion I stated that I knew nothing of these cases, and that Colonel Cook was the only man who could speak for the Government, and then and there, as Your Honor will recollect, Cotonel Cook stated that It was his intention, after the summer vacation was over and the immediate pressure of local business was disposed of, to present some cases to the grand jury. This was all I knew, and I only knew it in common with Your Honor and the public. It was then my intention, as the Court knows, to adjourn the grand jury to the first Monday of October. Your Honor baving been in the habit of returning from your ammer vacation between the 20th of September and the list of October.

of the United States had, however, occurred, and while at the time his physicians had strong hopes of his recovery, there were still serious doubts as to the final result. Your Honor will recollect I had a consultation with you upon the subject and, under the grave circumstances, you decided that you would return on Monday, September 12, and that the grand jury could be adjourned till then, unless in the meantime the President should die, and, if deemed necessary, you would return at any time and recall the grand jury and have the case of the assassin presented, and that if this did not occur the grand jury might be respited until October 3 from the opening of court on the 12th. Whereupon the grand jury were adjourned until the 1thin of September. Your Honor returned at that time. We were called together and remained in session until the 19th of September, doing no business whatever, except the examination of some witnesses in a small pension case, and were respited, in accordance with the previous understanding, for two weeks. At that time I did not know that there was not the grand jury. I had the best of reasons to suppose there was not. THE AMAULT UPON THE PRESIDENT

to the grand jury. I had the best of reasons to suppose there was not.

ON THE — OF SEPTEMBER,

I few days before the meeting of the grand jury, I called upon Attorney-General MacVeagh and informed him that I would have no business for the grand jury when it reassembled, and if there was any of these star-route cases ready the grand jury could be used for three weeks, and if not, I intended to adjourn them till she first Monday in October. He informed me that since the President's assassination he had not given these cases any special attention; that I knew nothing of them and need not bother myself about them; that when my services or those of the grand jury were wanted I would be notified by the persons who had special charge of them. Under such circumstances and facts the grand jury were resplied for two weeks. On the 25th day of September I received a note from Colone! Cook saying the Attorney-General desired to see me in company with him, and, in Colone! Cook semipany, I called upon the Attorney-General and I was requested to sign the present information, then in course of preparation—it being the first notice I had had of this proceeding. At that time, and in Colone! Cooks presence, I

in Colonel Cock's presence, I vary Examination of the local commissions to examine into the Jewish question in Russia were against that were published about the adjournment of the grand jury, and I said to the Attorney-Gentral that he was pay apperior officer; that he knew of my conversation with him, and that by the statement of that simple fact he could at once allence this abuse. He said that it was true I had

without one day's delay.

THE GRAND JUNY,
had I known or had any latimation of any desire to present any case to them been made me, would not have been adjourned, and had any request been made after the adjournment they would have been immediately reassembled. They all realds within a few hours' call of the court, and it could have been done without any delay, a course often adopted by courts under similar circumstances, and which would have been by Your Honor had the President died during the summer vacation. I desire, therefore, to state plainly and publicly, so that there may be no misunderstanding—
First—That I am and have been in as absolute ignorance of every fact connected with these so-called "star-route cases" as is Your Honor.

Second—That the adjournment of the grand jury to October 2 was decided upon and determined the 19th of last July, without any reference to these cases.

jury to October it was decided upon and determined the 19th of last July, without any reference to these cases.

Third—That the grand jury would have been recalled immediately had any one notified me there was any public business requiring their immediate attention.

Fourth—That before the grand jury were adjourned I called upon the Attorney-General of the United States and informed him of the proposed adjournment, and asked him the direct question whether any of these "star-route cases" were ready, and that his reply was that I had nothing to do with them and that when my services or that of the grand jury were wanted I would be notified. Your Honor will, I know, pardon me for taking the time of the Court now in making this statement, but I was compelled to take this opportunity or by my silence give credence to mistake and misrepresentation concerning me, which I knew, with Your Honor and members of the bar, would not need refutation, but which I could not allow longer to go uncontradicted. It can have no possible bearing or influence upon the decision of this question now pending before the court whether the grand jury were or were not in easien, or why they were adjourned, or what my exact relation to the case is; but my personal and official character is of too much value to me to allow any man, high or low, even by imputation, to discredit it.

Judge Cox remarked that the statement made by the District Attorney was substantially correct as he remembered the circumstances.

mined the lith of has July, without any reference
to these case.

Third—That the grand jury would have been
recalled funnedstathy had any one notified me
mediate attention.

Fourth—That before the grand jury were adpurred I called upon the Attorney-cloneral of the
Journed I called upon the Attorney-cloneral of the
Autorney-cloneral of the
Journed I called upon the Attorney-cloneral of the
Journed I called upon the Attorney-cloneral
Journed I called upon the Attorney-cloneral of the
Journed I called upon the Attorney-cloneral
Journed Cameron, who returned to Petersburg yesterday. HENRICO.

AN OPEN POLAR SEA.

The Rodgers Again Heard From-Where

SAN FRANCISCO, Nov. 7.-The steam whaler Belvidere has arrived here, also the whalers Northern Light, Dawn, and Bainbow. It appears that the Dawn did not speak the Rodgers as re-ported Saturday, but did speak the whaler Pacific, which had communicated with the Rodgers. To-day direct news was received from the Rodgers, the Belvidere having spoken her September 27 near Herald Island, steamappointed Mr. E. N. Miller, a provisional receiver to take charge of affairs. Meanwhile Cashier will make probably at St. Lawrence Bay. The Belvidere brought letters from the Rodgers, from which and from conversation between Captain Owen, of the Belvidere, and Lleutenant Berry, of the Rodgers, the following facts are learned: Lleutenant Berry found Wrangle Land to be an island. He sent a party from the Rodgers and larendy been published. Cashier Baldwin's experiment of the Policy is report, with regard to the National Mechanics Bank, contains no points of importance which have not learned; Lieutenant Berry found Wrangle Land already been published. Cashier Baldwin's examination is vestioned until Monday next and Berry, of the Rodgers, the following facts are learned: Lieutenant Berry found Wrangle Land to be an island. He sent a party from the Rodgers out in amall boats to explore the land. They returned to the Rodgers, having gone completely around it. The party! also surveyed different parts of Wrangel Island. The Rodgers different parts of Wrangel Island. The Rodgers did not go around, laying up while the party in the boats were out. The Rodgers, after having established the fact that Wrangel Land is an island, steamed one hundred and twenty-old miles north and northwest in search of further land, but failed to find any. Lieutenant Burry ascended a mountain on Wrangel Island, and from its top saw seas all around it. The season had been most favorable for exploration on account of its openness. Notwithstanding stormy weather Capitalin Owen said that from his observations, he would not be at all surprised to hear of the Jeanette coming home by way of Greenland. The Rodgers intends to send out a sledge party from her winter quarters to explore the coast of Siberia. She expects to leave her winter quarters next June and go as far North as possible.

PARNELL INTERVIEWED.

PARNELL INTERVIEWED. What He Has to Say About Matters-

Spotting the Land Leaguers. LONDON, Nov. 7 .- Mr. Parnell was interviewed by two prominent members of the Home Rule Loague. He said the recent judgments at Belfast agreed with his estimates that the rents in Ulster should be reduced to Griffith's valuation. He believed the reductions in the South of Ireland would not be as large, and consequently would not satisfy the tenants. Any general reduction of rents to Griffith's valuation would, because of the extent to which land is mortgaged, deprive landlords of the means of living and compel the government to buy out or compensate. This would demonstrate the soundness of the views enunciated by the League. Mr. Parnell admitted the probability of many tenants settling directly with their landlords.

A large meeting of tenants upon the estate of Sir John Ennis, Ahloue, unanignously resolved to demand an abatement of their rents. In the event of refusal they will apply to the Land Court. There are upward of five thousand tenants on the estate. He believed the reductions in the South of Ireland

ciated by the League. Mr. Parnell admitted the probability of many tenants settling directly with their landlords.

A large meeting of tenants upon the estate of Sir John Eunis, Ahllouc, manimously resolved to demand an abatement of their rents. In the event of refusal they will apply to the Land Court. There are upward of five thousand tenants on the estate.

"Hatting" the Philadelphia "Press."

PHILADELPHIA, Nov. 7.—The managers of the Press having received information that a plan was on foot under which at a late hour to-morrow they would be waited on and required at once to sign a contract for a year with the present force of printers, falling in which work would be stopped and the prompt publication of the paper necessarily embarrassed, thereupon provided for a different force which entered the office to-day. They an nounced to their compositors that they would be paid in full for the present week, and that those who wished to remain under the new arrangement could make application at the counting-room. The movement on the part of the compositors was doubtless prompted by the fear that some reorganization of the compositors was doubtless prompted by the fear that some reorganization of the compositors was doubtless prompted by the fear that some reorganization of the compositors was doubtless prompted by the fear that some reorganization of the compositors was doubtless prompted by the fear that some reorganization of the compositors was doubtless prompted by the fear that some reorganization of the compositors was doubtless prompted by the fear that some reorganization of the compositors was doubtless prompted by the fear that some reorganization of the compositors was doubtless prompted by the fear that some reorganization of the compositors was doubtless prompted by the fear that some reorganization of the compositors was doubtless prompted by the fear that some reorganization of the compositors was doubtless prompted by the fear that some reorganization of the compositors was doubtless prompted by the

was called upon by Governor Cornell, ex-Senator Conkling, Thurkow Weest, Frederick T. Frelingbuy-sen, ex-Secretary Evarts, Collector Robertson, Congressman Hiscock, John C. New, John K. Porter, General A. S. Webb, Rear-Admiral Wyman, and others.

CABLE CATCHES.

The anniversary of the battle of Mentana was celebrated at Milan and at Mentana. Two speakers at Milan and one at Mentana was silenced by the police.

A Berlin dispatch to the London Times reports that Prince Bernarck has brought an action for alander against Herr Von Bunsen, secessionist, arising from a speech of Herr Von Bunsen to his constituents.

BLAZING RUINS.

VALUABLE PROPERTY BURNED UP.

The Hoboken Dock-Burning of a Noted Hotel and Opera-House and Other Valuable Bulldings-Less of Life in a Tenement House in New York.

HOBOKEN, N. J., Nov. 7 .- A large crowd is gathered around what remains of the Eagle Dock, which was burned last night. Little or none of the vast amount of freight that was piled on the pier has been saved from the flames, the dock and its contents being badly destroyed. It is said by the agents of the Wilson Line that the loss on the merchandise will not be much less than \$1,000,000 but they are unable to place a correct estimate of the loss, as all the books, manifests, and bills of lading were in the office on the dock, and were destroyed. The loss on the dock is \$250,000, partially insured. The loss of the New Jersey Ice Company on two ice barges amounts to \$15,000; no insurance. M. Niver & Co.l ose on hay barge and cargo, \$6,000, on which there is an insurance of \$2,000. There were also two lighters and a const

FINANCIAL FAILURES.

What the Bursted Newark Bank Has Oc

ensioned in Business Circles. NEWARK, N. J., Nov. 7.-Another failure occurred to-day, resulting from the bank failure. Hanson & Van Winkle, wholesale dealers in chemicals, having an office in Liberty street, New York, notify their creditors that they are unable to mest their obligations, and will soon offer terms of comprise, which they will probably accept. The United States Court, besides ordering the rule to show cause why a receiver should not be appointed for Nugent's factory, have this morning also appointed Mr. E. N. Miller, a provisional receiver to take charge of affairs. Meanwhile Cashier

Cashier Baldwin has just been released on \$100,000 ball to appear on Monday next for examination. His bondsmen are his brothers, H. P. Baldwin, William H. Baldwin, Mathias W. Dodd, William A. Freeman, David C. Dodd, Jr., J. D. T. Leverich, Alfred Lister, and Stophen J. Werker. The defaulting clerk, Marchbank, was bailed for \$10,000 by Cornelius Van Houten, of Belleville, to appear on the 15th.

Samuel Fankher, a cotton agent at Crumsall, has falled, with liabilities of £50,000.

Baltimore's New Mayor. BALTIMORE, Nov. 7.-William Pinckney Whyte took the oath and assumed the duties of mayor of Baltimore this afternoon, succeeding General Ferdinand C. Latrobe, who had held the office for three terms.

Through the Cheetaw Country. FORT SMITH, Nov. 7 .- The Choctaw counoil has granted right of way through the Choctaw Nation from that point to the Texas State line to

ARMY AND NAVY NEWS.

Lieutenant Henry B. Mansfield, U. S. N., who is commanding the Coast Survey schooner Endeavor, arrived at the Ebbitt House yesterday.

Colonel William B. Royal, Third Cavalry, who, with his wife and daughter, are at the Ebbitt House, will leave here about Thursday.

Pay Director John S. Cunningham, U. S. N., of this city, arrived at the Ebbitt last evening from Philadelphia, where he is on duty as navy payagent. He is president of a special examining board, which convenes at the Navy Department to-day.

Morrow.

President Arthur's Callers.

*New York, Nov. 7.—President Arthur remained at his house to-day. Late in the afternoon he arrived at the Fifth Avenue Hotel, and was called upon by Governor Cornell, ex-Senator Conkling, Thurlow Weed, Frederick T. Frelinghuses, ex-Secretary Evarts, Collector Robertson, Congressman Hiscock John C. New, John K. Porter, General A. S. Webb, Rear-Admiral Wyman, and others.

CABLE CATCHÉS.

died early in 1879 while commanding the Kittery may yet and editors in the fellowing-named officers and culisted men have been ordered by General Hancock to proceed at once to Governor's Island, New York harbor, to take part in rifle firing for places in the team of the Military Division of the Atlantic First Lieutenant W. B. Homer, Fifth Artilley; First Sergeant W. F. Eckardt, Sergeant T. W. Guinan, Corporal J. Hyrnes, Corporal J. A. Gibbens, Corporal J. Hyrnes, Corporal J. P. Deuson, chief clerk of the Bureau and privates in Northington, J. H. Pestos, Charles Rickard, and A. Naramets, all of the Fifth Artillery, Mr. John F. Deuson, chief clerk of the Bureau of Provisions and Clothing, Navy Department, is now acting as chief of that Bureau, under the provisions of section 118, Revised Statutes, the President having failed to designate an officer as acting paymaster general of the navy. At present there is no paymaster general. The nomination of Pay Director Watmough to the place, owing to the light then and still in progress, was not confirmed by the Senate, It was allowed to go over. President Arthur has made no appointment since. It is a question which involves legal points if the President can reappoint Watmough before the Senate again convenes. There are optolous both ways. It is likely that no solution upon which President Arthur will act will be arrived at, and that until the assembling of Congress the chief clerk of the division of provisions and clothing, will continue to act as paymaster general.

ATLANTA EXPOSITION.

The Number of Visitors Increasing-Cotton Planters' Association.

ATLANTA, GA., Nov. 7.—This week cheap rates go into effect on all Southern lines. A preliminary trial of cotton-gins and cleaners will be had Wednesday. The cutton for the test has been selected from a single field. Each competitor will be given a hundred pounds. The time will be taken and fiber and seed will be weighed after ginning. Each lot of lint will be packed separately, and all parcels will be sent to Boston for inspection. At a meeting of the New England Cotton Manufacturers' Association on November 30, the actual competition of gins and cleaners for awards will occur in December, when the national cotton occur in December, when the national cotte planters association will be in session. Anoth delegation of spinners will attend this competition

Department.

The Commissioner of Iudian Affairs today gave an hour's audience to a delegation of eight Sacs and Foxes, respiendent in red and owa, at their own expense, to endeavor to obtain the Great Father's consent to the payment to them of some \$210,000 of accumulated annuities without heir being obliged to sign a pay-roll, as required by law. It appears that these Indian chiefs and the other heads of families of 350 Sacs and Foxes, now living on their own lands in Tama County,

now living on their own lands in Tama County, lowa, have persistently refused for five or six years to receipt in the names of their wives and children for the annuities which the Government has annually profiled to them. In millitment of treaty stipulations, their reason for refusal being that it is disastrous for "bad medicine"; to use the names of their wives and children for any purpose. The matter has each year been fully explained to them by sorrespondence, and the necessity of compliance with the law in this regard was set forth by Commissioner Price and Secretary Kirkwood very distinctly, through their interpreters, to-day, the argument being reinforced by exhibiting to them the signatures affixed to a similar pay-roll by the large band of their tribe now located in the Indian Terriory; but the stolid delegation either could not or would not be convinced, and continued smit the end of the interview to exert an their powers of savage cloquence to persuade the authorities to comply with their wishes and accept their personal receipts only. It is thought probable, however, that they will recede from their position to-morrow, as their ready money will then be exhausted and their ready money will the no be considered.

GENERAL SHERMAN'S REPORT.

His Annual Suggestions-An Increase of

General Sherman has submitted his ananal report to the Secretary of War, enclosing the reports of Generals Drum and Sackett and the reports of the commanding generals of the divisions and departments. General Sherman says, referring to the reports of the latter, that they all show that our companies are too small for efficient discipline and for economical service. When the National Treasury was poor and loaded with debt, the army endeavored to gracefully submit to over-work, but now, says General Sherman, they appeal for relief, and it is recommended that Congress repeal that clause of the existing law which limits the enlisted force of the army at 25,000 men. Considerable space is devoted to a discussion of the subject of officers' servants, General Sherman maintaining that no soldier should ever be compelled to do mental labor without compensation or without bis own consent, and he recommends that the existing law be repeated or modified so as to secure this end. Referring to West Point, he says it has been and must continue to be the fountain-source of military education in time of peace. In his judgment the Military Academy at West Point fulfills its uses, and can safely be intrusted to prepare boys to become soldiers of the future. Treasury was poor and loaded with debt, the army

Lieutenaut W. C. Strong, to the naval signal office, Washington, D. C. Passed Assistant Engineer J. P. Mickley, to the Leange Island navy-

STAR-ROUTE CASES.

COL. WILLIAM A. COOK'S INVOCATION

He Commences With the Blind Bard of England, Invokes the Help of the First Great Cause, and Then Proceeds to Earn His Big Fee,

When the Criminal Court opened yes terday morning there were but three countries on behalf of the defendants, Messrs, Totte Wilson, and Sypher, while for the Governmen that Colonel William A. Cook was to speak serving to keep a good many people on the cutside of the City Hall. Judge Cox arrived a few minutes past ten o'clock, and after the petit jurors had been called District Attorney Corkhill asked permission of the Court to make a personal explanation, which consumed about twenty minutes. Colonel during the day were Senator Hill, of Georgia; General Duncan S. Walker, Coroner Patterson, Bud Engleston, William Smith, of the Botanical Garden; Matthew Trimble, Ridgely McBlair, and Argument of Mr. William A. Cook.

Argument of Mr. William A. Cook.

If Your Honor please, it was Milton, the great English poet, who, upon entering on the task he had set before him, saw fit to invoke the help of the Great First Cause, and to offer up a prayer that whatever was imperfect in him might be restrained and corrected; whatever low, lifted up and illimach, and I have no hesitancy whatever in standing before Your Honor in the very commencement of the duty which I propose to perform here and, invoking the aid of the Great First Cause, the creator of the body, the organizer of the heart, the creator of the brain, and I trust that I may be preserved from uttering anything whatever improper in the progress of this discussion. Thirty-four years ago, in Western Fennsylvania, I took the oath of office, registered there, retorded in Heaven, and it concluded with these expressive words: "So help me God!" It was in the same year that Your Honor, in the District of Columbia, entered into the Temple of Justice with the same oath. So that, whatever I may do, this case is done under the obligations of that oath, and I am accussioned all through life to say: We all have our frailities, we all are unwise:

The grace which redeens us must come from the skies.

I owe a DUTY TO THE UNIFED STATES to-day, which shall be fully and faithfully performed.

The grace which redeems us must come from the skies.

I OWE A DUIY TO THE UNITED STATES

to-day, which shall be fully and faithfully performed. I owe a duty to Your Honor which shall be conscientiously and to the extent of my ability fully performed. I owe a duty to the defendants in this case which requires me to treat them fairly and justly. It might be supposed that I would avail myself of this opportunity to reply to the scurility, and ribaldry, and vituperation which at least the chief defendant himself, through hired scribblers and through the press, has seen fit to bestow upon the Attorney-General, upon the Postmaster-General, and upon me and those associaled with me. But it cannot be done. This is not the proper piace to do it. In the presence of Your Honor, as well as elsewhere, a lawyer, in addition to his other qualities, should invariably possess those of a gentleman, and this latter consideration will restrain me from any improper replies that might otherwise be justified, to the personal assaults that have been made upon the Attorney-General, the Postmaster-General, upon myself, and the gentlemen associated with me.

NOW, TO ARRIVE AT A CORRECT CONCLUSION in any discussion, it is important to understand the true question involved. That caustic critic.

Now, To Arrive at a Cohance Consultation and discussion, it is important to understand the true question involved. That causic critic Sydney Smith, says in one of his essays that there is no better canon than "to reduce the question in any discussion to the smallest possible compassor circle and then render that circle as junifocus as possible." To follow this true and correct rule shall be to a great extent, my purpose here, an in any discussion to the smallest possible compass or circle and then render that circle as imminous as possible." To follow this true and correct rule shall be, to a great extent, my purpose here, and in doing so it may become important to refer to a few facts councered with this case. On the 39th of September lost this information was filed. It was filed exactly as an indiciment is filed. The grand jury, after their deliberations, enter into court, present their felliberations, enter into court, present their findings to Your Honor, and those findings are then, with the sanction of Your Honor, filed and become part of the records of the court. The District Attorney, to connection with the special assistant attorney of the United States, on the 39th of September last, came into the presence of Your Honor and asked permission to file the information which had been presented, and to which was attached the signatures of the District Attorney and the special assistant. This was only pursuing the practice which prevails in relation to indictments. There was nothing unissual or extraordinary or startling in connection with it. On the 50th of September, when the information was filed a motion was made for an order.

First—That the information should be filed, and, Second—That a warrant should issue.

That order embraced two distinct things. On the 5th of October, in harmony with the order, or that part of the order which related to the arrest of the defendants, they came and entered into recognizance for their appearance. On the 11th of October, the hardon was the order of the defendants, they came and entered into recognizance for their appearance. On the 11th of October, the hardon was to order the defendants and file two motions. The first untiln is in these words: "And now come

October the defendants saw fit to appear in court through their counsel and file two motions. The first motion is in these words: "And now come the said defendants, except the defendant George L. McDonough, and move the Court to rescind the order made. September 39, 1881, on the motion of George B. Corkilli, District Attorney, and William A. Cook, special assistant, whereby the information in the above-entitled cause was permitted to be illed; and to strike said information from the files of this court, for the following reasons or causes, to wit:"

sites of this court, for the following reasons or causes, to wit:"

YOUR MONOR WILL OBSERVE that this motion to strike out and to reseind, in terms, claimes to the information itself; it does not, in terms, embrace the warrant of arrest or seek to have the defendants discharged, by any formal application, from their recognizance. Its distinctive object was to strike the information itself from the files, and hence the reasons overeined in support of it extend only to the motion for that purpose. The reasons given are that—

1. No notice of the application for leave to file said information was given to either of said defendants and no opportunity to resist said application was saforded the defendants, or either of them.

them.

2. This court is without jurisdiction to take cognizance of the matters and things set forth and alleged in and by said information.

3. The matters and things charged as the offense in said information appear by the face thereof to have been done about three years before the application for leave to file was made, and no excuse for or explanation of such delay is given or attempted.

templed.
4. The affidavit annexed to said information and

Lectures W. C. Store To the marsh
less departed. J. Nichely, the Leaves bland away
spand. Code for II. Bull, to the Powhatan. Mail
grade of sick leave. Passed Assistant
part of the Code of the Code

strong in cases of crimes such as treason, felony, forgery, perjury, or subornation. The courts have also refused to quash indictments for cheats, for selling flour by lake weights, for extertion, for not executing a magistrate's warrants, against overseers for not paying money to their successors, and the like, and a party in such cases will be left to his demurrer for demurrable defects."

50 THAT IT IS MANUFERT

that this motion could not be granted in any

that this motion could not be granted in any doubtful case or if uncertainty existed as to its propriety. The sufficiency of the paper itself, its intrinsic value, whether it sets out an offense or not, can only be determined properly on a demurrer. That doctrine is sustained by the same authority in section 490, where he says: "Whenever an Indictment is defective in substance or in form it may be thus not; but as at common law all defects which can be thus taken advantage of are equally fatal in arrest of judgment, demurrers as a means of testing indictments were in Eugland, but rarely used until 7 George IV., c. 64, § 29, 21, by which all defects nursely technical must be taken advantage of before verdict. In this country demurrers, except under similar statutes, are in but little use, and will not avail when the offense is set forth with substantial accuracy.

THE SAME DOCTMINE B. PREMENTED in BEREYS, Gregory, 1 Salkeld, 372. I read it be-

but little use, and will not avail when the offense is set forth with substantial accuracy.

THE SAME DOOTRING IS TREMINTED

In Rex vs. Gregory, I. Salkeld, 372. I read it because it is a case in relation to an information:

A motion was made to quash an information illed by the attorney-general, and the court would not, upon motion, since the defendant must deman.

In Archbold's Criminal Practice the same practice, the same doctrine is advanced; so that that is the established doctrine of the courts both in England and in this country. Indeed, all the rules of pleading, the fundamental rules applicable to indictments, prevail in relation to informations, and that appears clearly from lishop's Criminal Law, I lishop, 712: "We saw in a previous chapter what is the general doctrine of the informations, and that appears clearly from lishop's Criminal Law, I lishop, 712: "We saw in a previous chapter what is the general doctrine of the information, and that appears a same as an indictment, from which it differs only in formation is in its allegations exactly the same as an indictment, from which it differs only in formation as the beginning, end, and close. The similitude even extends to such averments as "gainst the peace," and the like." And then he proceeds to state that the same general ines of practice prevail, because of the similarity between the indictment and the information, as respects both. Nor on a motion to rescind and strike out can there be a disputation as to facts which amount to the general issue.

THE ENTIRE DISCUSSION

of the defendants has, in fact, been inappropriate. In part it has been as if a demurrer had been an arraignment of the defendants, as if the place of not guilty" had been entired and issue joined upon that plea and evidence adduced. Nor is the position correct that in the consideration of a motion it is to be considered as if there had been an arraignment of the deventment and been an action or order of the Court—that it is, in effect, a rule to show cause why the information sh MY LEARNED ASSOCIATE, COLONEL BLISS.

in the outset as hereafter.

MY LEARNED ASSOCIATE, COLONEL BLISS, saw fit to say that if doubt existed as to the right to file the motion, it should be overfuled and the final decision held back, so that the case sould be tried and all the facts fully developed. This position excited the mirth, provoked the sarcasm, called forth the anecdote, elicited the demunciation, and produced the dogmatism of my Brother ingersoil, and he ventured to declare that it was the first time in all the history of judicial rules and discussion that so enormous and atrocious a proposition had been made. If Your Honor please, let me correct the error and enlighten the darkness of the learned counsel, who comes, not trem Naw York, indeed, but from the State of Illinois, where, it may be assumed, justice exists in her purer and more elevated forms. I desire to cite a portion of the opinion of Justice Story, reported in 1 Gallison, p. 3. Judge Story says—the case was an information for a misdemeanor for leading five tons of poarl-ashes in a sleigh, with intent to export the same into Canada, contrary to law—Judge Story said: "We incline to think that the case is rightfully prosecuted by information; and even if we doubted we should reserve the question until after verdict for the United States, to be argued on a motion in arrest of judgment."

time you will ascertain. [Laughter,] Now, if Your Honor please, having corrected the errors of my learned friends in these particulars, and presented these introductory statements and rules, I come Immediately to the question before the Court. Definitions are the foundation of true reasoning, or, to use the words of another, they are "the stepp-ing stones to ultimate truth."

WHAT 18 A CHISHASI, INFORMATION?

I will not pause to read numerous authorities in relation to it, but I ask Your Honor's attention to Cole upon Criminal Information, p. 25, where it is said: "An information for an offense is a surmise or suggestion upon record on behalf of the government or Queen regnant to a court of criminal jurisdiction, and is, to all intents and purposes, the King's suit. It differs from an indictment in this, that in an Indictment the facts constituting the offense are presented to the court upon the oath of the grand jury, whereas in informations the facts are presented by way of suggestion or information to the court by some authorized public officer on behalf of the Crown. The same definition will be found in I Bishop's Criminal Procedure, Wharton's Criminal Pleading and Practice, and in numerous other authorities. In

cedure, Wharton's Criminal Pleading and Practice, and in numerous other authorities. In
Wharton's Criminal Pleading and Practice, 87, the
definition given is this:
Informations are official criminal charges, presented
usually by the prosecuting officer of the State without the interposition of agrand jury. An information,
it is said, resembles not only an indictment in the
correct and technical description of the offiense, butlt will thus be seen that it differs only from an
indictment in this—that it is filed by an authorized officer or officers without the intervention of
a grand jury. It contains the same essential
statements or averments. It charges with the same
precision an alleged crime. It is placed in the
records of the court. There is nothing concealed,
mysterious, or startling about it. Why, then, do
the defendants tremble and grow pale at the presentation of an information? Why do they regard
it, indeed,

As THE ALERNED TROJANS

INSURANCE MATTERS

OF IMPORTANCE TO THE COMPANIES.

An Agent's Deposits in a Bank and What the Company Brought Suit to Recover-Enforcement of Penalty of Forfeiture for Non-

Payment of Premiums.

A decision of some importance to banks, A decision of some importance to banks, insurance companies, and all corporations which employ agents was rendered in the United States Supreme Contr yesterday in the case of the Central National Bank of Baltimore against the Connecticut Mutual Life Insurance Company. The litigation grow out of a deposit of about eleven thousand dollars, made in the bank above named by A. H. Dilly it general according to the Connecticut. sand dollars, made in the bank above named by A. H. Dillon, jr., general agent of the Connecticut Mutual Life insurance Company, and standing on the books of the said bank in the name of the said Dillon as such general agent. It appears from the evidence that Dillon was in the habit of depositing in the bank to the credit of his agency account money belonging to him personally as well as money collected for any belonging to account money belonging to him personally as well as money collected for and belonging to the Insurance Company; and that he drew checks against this agency account for his own perfonal use, as well as for the remittances which he made to the company whose agent he was. In 1873 the bank discounted for Dilion and his wife, perfonsily, a note of \$10,000, the process of which Dilion used in certain business speculations. When his note fell due it was not paid, and the bank, on the let of June, 1871, charged it to Dilion's agency account. The insurance company maintained that the undrawn balance of the agency account—about \$11,000—belonged to them, and that the bank had no right to satisfy, out of their funds, a note given by Dilion to mike money for his own personal use. The company therefore brought suit to recover from the bank the amount of this undrawn balance of Dilion's agency account. On the 10th of June, 1878, the court below rendered a decree directing the hank to pay to the complainant, the Connectical Mutual Life Insurance Company, the amount of the fund claimed with interest. The bank, thereupon, appealed. This court holds that when against a bank account designated as one kept by the depositor in a fuduciary capacity, the bank seeks to assert its lien as a banker for a personal obligation of this depositor known to have been contracted for his private benefit, it (the bank) must be held as having notice that the fund represented by the account is not the individual property of the depositor; if it is shown to consist in whose or in part of funds held by him in a trust relation. The court intrince holds quoting the recent decision of the Court of Appeal in England in the case of Kuatchbull vs. Hallett) that if money held by a person in a follower, when the bank cannot be permitted to sweet, when the bank cannot be permitted to sweet, when the bank has notice, either actual or constructive, of such equity of the benefical owner, when the bank has notice, either actual or constructive, of such equity. Th

Another cast.

A decision was also rendered yesterday in the insurance case of Caroline Klein vs. The New York Life Insurance Company, in which is presented the question whether the penalty of forfeiture for the non-payment of premium, expressed in a policy of insurance, can be enforced in all cases regardless of the excuses or reasons which may be assigned for the default. This court holds that it can; that the excuses offered for the non-payment of the premium in question cannot be taken into consideration; that the provision for the release of the company from liability on a failure of the insured to pay the premiums when due is of the very essence and substance of the contract of life insurance, and that to hold the company to its promise to pay the insurance, notwithsanding the default of the insured in making punctual payment, is to destroy the very substance of the contract. This a court of equity cannot do. The decree of the Circuit Court is therefore affirmed. Opinion by Justice Woods.

THE OTHER CASES DECIDED WERE—

THE OTHER CARES DECIDED WERE-No. 57. James Kelly vs. The City of Pittabung,
Pa. Decree affimed, with costs. Opinion by Justice Miller.
No. 46. Charles T. Davis vs. Edgar Speiden. is a dangerous thing! [Laughter.] But why was it that the learned gentleman will, in discussing this point, to associate himself with an Illinois justice and a Chicago play-house, instead of placing himself in the company of story? His anecdote could only have had its existence in Illinois, and the play-house from which he derived his second anecdote must have been located in this case, the nature of both anecdotes it could not have been possible that they were located in the campoistic will not share been possible that they were located in the cive of New York, though they might have transpired in Indianapolis, in the States from which my learned Brothers Wilson and Totten have emanated. [Laughter.]

Mr. Wilson—How about Western Pennsylvania [Laughter.]

Mr. Cook—Pennsylvania is represented in this case by rare wissiom and special ability, in the person of my learned Brother Browster, as in due in you will ascertain. [Laughter, Now, if Your Honor please, having corrected the errors of my learned friends in these particulars, and presented these introductory statements and rules, I come immediately to the question before the Court. Behultions are the feature of the States of Fennsylvania.

of the State of Pennsylvania. Mrs. Commedore Franklin's Death. Mrs. Caroline Maria Franklin, wife ot Commodere Samuel R. Franklin, United States navy, whose death was briefly announced yesterday, died at four p. m. Saturday, at the Park Ave-nue Hotel, New York city, where she had suffered greatly many weary weeks from that most terrible affliction, Bright's discase. Mrs. Franklin was widely known and loved here, where she had pussed most of her winters with her husband since passed most of her winters with her husband since their marriage, some ten years since, at San Francisco, where her father, General E. D. Keyes, formerly of the United States army, is residing. Au oldnays friend of Commodore Franklin, who had known Mrs. Franklin well during almost the whole of her married life, spoke very feelingly of her death yesterday to the writer. He said that the close intimacy between their families, brought about by years of residence at the Khbitt, had taught him that Mrs. Franklin far excelled most women in true goodness of heart, kindhess to all about her, charity, and devoted piety in her faith (the Catholic). She was a true Christian lady and devoted wife and friend. The bronzed-face old commodore spoke so feelingly of his friend's dead wife that he recalled the poet's "tears in the voice." The tuneral will take place to-morrow in New York. Commodore Franklin is a brother of General William B. Franklin, formerly United States army, to whom he bears a strong resemblance.

Crooked Distilleries Selzed Some weeks ago Commissioner Raum, of

Some weeks ago Commissioner Raum, of the Bursau of Internal Revenue, instructed ed-lectors in illicit distillery districts throughout the South to thoroughly inspect their districts and re-port by November 19. To-day the first response to the order was received from Colonel Clark, of Ab-lanta, Ga., who says that upon receipt of the th-structions of the Commissioner he at once sent out-six division deputies with six employed men. six division deputies with six employed men. The result of the investigation is stated by Collector Clark as follows: "The seigures were five distilleries and over six thousand galloms of mand and beer. The deputy collectors report marked improvement in every county visited, and say that the people are more inclined to furnish information and respect the laws. Trusted guidas and informers who had preyously given reliable information to revenue officers were visited, but no information could be obtained from them. Property owners and other good citizens were of the opinion that but little more work would be required to entirely suppress violations of the revenue laws in their respective sections.

The Ninth Massachusetts Regiment. Messrs. H. B. Sargent, jr., Daniel F., Dolan, and Arthur Lincoln, the committee design nated by Governor Long, of Massachusetts, to investigate the charges against the Ninth Massachu-setts Regiment during their trip to Yorktown, left setts Regiment during their trip to Yorktown, left this city yesterday afternoon for Boston, having completed their inquiries. Whatever has been published purporting to foreshadow their report us to the conduct of the regiment citier in this city or in Richmond, may be stated as whelly unauthorized, as they have declined giving out anything for publication. A dispaten from Beston says that the Colonel of the Ninth has received a letter from E. B. Grubb, colonel of the New Jersey battalion, denying that reports detrimental to the Massachusetts regiment were originar do or circulated by him or members of his battalion. He says that as field officer of the day he had nothing to report of the Ninth Massachuseits except their excellent drill, and states that the injurious reports emanated from editorial columns of Richmond Journals.

Ex-Secretary Windom, referring in con-versation yesterday to the alleged difference of General MacVeagh at a recent meeting of the Cabl-net, said that while he does not think it proper for net, said that while he does not think it proper for him to discuss the nature of the business transacted at that meeting, he has no hesitation in saying that the published account of the proceeding is entirely without foundation. Nothing occurred which would warrant the assertion that there was any exhibition of his feeling on the part of either of the gentiement monitoned. The questions under consideration were discussed in a most friendly spirit, without excitement or disagreement, and no personal criticisms were made by any one. "Contrary to report," the Secretary added, "the meeting was perfectly harmonious in every respect."

The "Star's" Misstatements.

We are authorized to say that there is no fruth whatever in the statements made by the Star last eventing relative to the alleged proposed reduction of tax on whisky and tobacco in Commissioner Raum's forthroming report.